

MEMO ENDORSED

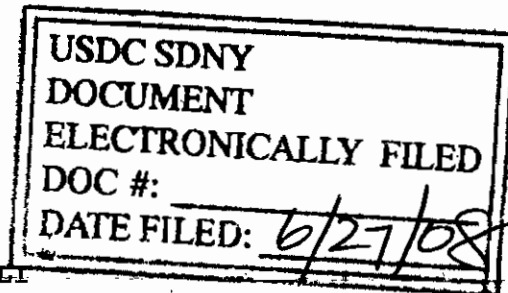
LAW OFFICES OF
DAVID J. GOLD, P.C.
116 JOHN STREET
SUITE 2203
NEW YORK, NEW YORK 10038-3300

TEL.: 212.962.2910
FAX: 212.962.2919
EMAIL: DJGPCESQ1@AOL.COM

HAND DELIVERED

Monday, June 23, 2008

HONORABLE JUDGE RICHARD J. SULLIVAN
UNITED STATES DISTRICT COURT
Southern District of New York
500 Pearl Street, Room 615
New York, New York 10007



RE: DAVID J. GOLD, P.C., et al. adv. DIANE MICELI
DJGPC File No.: 1104129
Case No.: 08 CIV. 2794 (RJS)

Dear Honorable Judge Sullivan:

In furtherance of my telephone call with Katie this afternoon, this shall serve to confirm that defendants are willing at this time to discontinue the third-party action against Capital One without prejudice, in connection with the above-entitled matter.

Thank you.

Very truly yours,

DAVID J. GOLD

DJG/lis

SO ORDERED
Sent

RICHARD J. SULLIVAN
U.S.D.J.

[Handwritten signature of Richard J. Sullivan]
6/25/08